

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DENVER MCFADDEN, :
:
Plaintiff, :
: 19-CV-5508 (VSB)
- against - :
: **ORDER OF SERVICE**
:
CITY OF NEW YORK, et al., :
:
Defendants. :
:
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VERNON S. BRODERICK, United States District Judge:

On September 26, 2022, I ordered Plaintiff to file updated addresses for Defendants Erick Eiting and Alcantra Odaliza in order for the Marshals to effect service. (Doc. 73.) On October 11, 2022, Plaintiff filed an updated address for Erick Eiting, a name update for Peter Lumia (a spelling change from the previous summons to Peter Lumina), a clarification of Austin Morange's retirement status, but no additional information for Alcantra Odaliza. (Doc. 74.) In addition to providing the above information, Plaintiff requested that I stay this action. (*Id.*) Accordingly, it is hereby

ORDERED that the request for a stay in this action is DENIED. However, there are no further deadlines to comply with until such time as the Defendants are served process or until I enter a further order setting deadlines.

IT IS FURTHER ORDERED that to allow Plaintiff to effect service on the Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendants Erick Eiting and Peter Lumia using the following addresses.

Dr. Erick Eiting
1400 Pelham Pwy South
New York, NY 10461
(718) 918-5820

Detective Peter Lumia
25th Precinct – New York County
1 Police Plaza
New York, NY 10038

The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon each of the defendants named above. Plaintiff is advised that it is his responsibility to inquire of the U.S. Marshals Service as to whether service has been made and if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). If within 90 days of issuance of the summons, Plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: October 18, 2022
New York, New York



Vernon S. Broderick
United States District Judge